

Allison R. Schmidt, Esq.
Nevada Bar No.: 10743
GHIDOTTI | BERGER
8716 Spanish Ridge Ave., #115
Las Vegas, NV 89148
Phone: (949) 427-2010
Fax: (949) 427-2732
Email: aschmidt@ghidottiberger.com

Attorney for Secured Creditor U.S. Bank Trust, NA
As Trustee for the Lodge Series III Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

In re:

Schulte Properties LLC,
Debtor.

CASE NO.: 18-12734-mkn

Chapter 11

**DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

Estimated Time: 10 Minutes

I, Trista Skaggs, declare and state as follows:

1. I am over the age of eighteen years and not a party to this action. The facts set for the below are known to me personally based upon the review of the business records and I have first-hand knowledge of them. If called as a witness, I could and would testify competently under oath to such

1 facts.

2 1. I am employed by SN Servicing Corporation, servicing agent for U.S. Bank Trust, NA
3 As Trustee for the Lodge Series III Trust (“**Movant**”) as Bankruptcy Asset Manager.

4 2. I am familiar with the manner and procedure by which the records of Movant are obtained,
5 prepared, and maintained. Those records are obtained, prepared, and maintained by employees or
6 agents of Movant in the performance of their regular business duties at or near the time, act,
7 conditions, or events recorded thereon. The records are made either by persons with knowledge of
8 the matters they record or from information obtained by person with such knowledge. It is my
9 business practice to maintain these records in the regular course of business.

10 3. Movant has been responsible for the handling of all matters relative to the underlying loan
11 prior to the filing of the within motion, including but not limited to processing of all payments
12 received, crediting of received payments, adding all proper charges to the loan, confirming the
13 maintenance of hazard insurance and property taxes, property preservation where appropriate,
14 communicating with and responding to the borrower on all matters relative to the loan, and the
15 commencement of non-judicial foreclosure proceedings where appropriate. All activities on the loan
16 advanced by Movant were advanced in accordance with the terms of the Contract, as well as the
17 terms of the 2011 Stipulated Plan Treatment.

18 4. On or about June 11, 2001, Melani Schulte (“Borrower”), for valuable consideration,
19 made, executed and delivered to Amera Mortgage Corporation (“Lender”) a Note in the principal
20 sum of \$116,800.00 (the “Note”). A true and correct copy of the Note is attached hereto as “**Exhibit**
21 **A**”.

22 5. On or about June 11, 2001, Borrower made, executed and delivered to Lender a Deed of
23 Trust (the “Deed of Trust”) granting Lender a security interest in the Subject Property. The Deed of
24 Trust was recorded on June 11, 2001, in the Official Records of Clark County, State of
25 Nevada. A true and correct copy of the Deed of Trust is attached hereto as “**Exhibit B**”.

26 6. Thereafter all beneficial interest in the Note and Deed of Trust were assigned to Movant. A
27 true and correct copy of each Assignment is attached hereto as “**Exhibit C**.”
28

7. The property was previously included in a Chapter 11 petition filed by Melani Schulte and William Schulte, filed on October 11, 2009, Case No. 09-29123-mkn.

8. A stipulated plan treatment was entered in which the balance owed on the loan was set to \$74,304.10 to be paid at 5.25% interest over a new 30 year term with the Borrower required to make monthly payments of \$410.31 on the Loan commencing March 1, 2011. A true and correct copy of the Order on Stipulated Order Regarding Treatment of Creditor's Claim Pursuant to Chapter 11 Plan is attached hereto as "**Exhibit D.**"

9. On February 5, 2015, a notice of termination of automatic stay ("Notice of Termination of Stay") was filed in the 2009 Bankruptcy by Movant's predecessor in interest with regard to the Subject Property pursuant to the default provisions in the Stipulation following the mailing of a written notices of default. A true and correct copy of the Notice of Termination is attached hereto as "**Exhibit E.**"

10. Debtor filed this Chapter 11 bankruptcy case on May 10, 2018 (the "**Instant Petition**"). To date, no plan has been confirmed.

11. Under the terms of the 2011 Stipulated plan treatment and confirmed plan, debtor was past due pre-petition as indicated in Movant's proof of claim as follows:

12/01/2012 – 05/01/2018	66 payments @ \$410.31	= \$27,080.46
Pre-petition fees		= \$3,847.42
Escrow Deficiency		= \$5,791.82
Escrow Shortage		= \$394.43
Less Partial Balance		= \$345.05
TOTAL PRE-PETITION ARREARAGES		= \$36,769.08

12. Following the filing of the debtor's most recent Ch. 11 bankruptcy petition on May 10, 2018, debtor is post-petition delinquent as follows:

///

///

///

REINSTATEMENT TOTAL	\$6,913.99
---------------------	------------

14. The outstanding principal balance totals no less than \$70,784.10 as of April 25, 2020.